5: Crowder J-5 (1955-1961) 1962
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interesting suppleness under the most diverse conditions according to the state of civilisation or submission—or lack of submission—of the natives'.

As a reaction against the powers of the Senegalese General Council during the regrouping of the French West African territories the Protectorate, with the exception of Casamance, Thiès, Cayor and Tivaouane and the *cercles* of the Fleuve, was detached from the colony of Senegal so that the General Council could not legitimately interfere in its affairs. However two years later economic and administrative exigencies decreed the reshaping of Senegal and the rest of French Africa into the territorial boundaries that exist today.

The first major attempt to undermine the rights of the Senegalese with the rights of citizens by virtue of being born in one of the four communes, known as *originaires*, came in 1908 when the Lieutenant-Governor of Senegal asked that 1,563 names be struck off the electoral role of Dakar arguing that since the natives concerned were only French subjects they could not vote. Only French citizens could vote, and citizenship could be obtained only by individual naturalisation. This was upheld in the local court but rejected by the *Cour de Cassation* in Paris. However, the Court confirmed that these voters were not French citizens though they maintained that they had the right to vote. This failure to recognise their status as citizens evoked much ill-feeling among the *originaires*. In 1910 the voting rights in the Senegal were in fact extended when it was provided that French citizens living outside the communes but within the colony could vote. But the Minister of Colonies declared that the decree did not apply to 'non-naturalised natives who only enjoy the franchise in the four *communes de pleine exercice* on condition of being born there', and thus once again emphasised the fact that the French Government did not consider the *originaires* as true citizens. Indeed in the following year their position was further aggravated when *originaires* doing their military service in metropolitan units

5: Crowder J-5 (1955-1961) 1962
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641 633 [701] of the army in West Africa, and serving on the same basis as European citizens, were suddenly discharged without reason. A commission of the General Council asked that in future all voters, without distinction of colour, be called on to perform their obligatory military service. Thus by 1912 one had the odd spectacle of Africans, far from trying to avoid military service, insisting on their right to perform it on the grounds that only thus could they secure their rights as French citizens.

However French intransigence over the question of the *originaires* was made clear in the Naturalisation Decree of 1912, which stated that only French subjects born in West Africa could acquire French citizenship. The conditions for acquisition of citizenship were: having proved devotion to France or having occupied with merit for at least ten years a position in a French office, public or private; having learned to read or write French; having given evidence of possessing a means of existence and good character. As a result between 1914-22 only ninety-four natives in French West Africa were naturalised. Those who were defined as subject to the jurisdiction of the native, instead of the French, tribunals were all those natives 'who had not had in their country of origin the status of European national'. This was interpreted by the *originaires* as an attempt to remove from them their right to appear before French tribunals and subject them to administrative justice like the sujets of the Protectorate, for whilst they were anxious to retain their right to their *statut personnel* in civil matters such as marriage and inheritance, they wanted to be tried in French courts in criminal cases. This evoked furious criticisms by the *originaires* and Maître Lamine Guèye, himself an *originaire* and later Deputy in the French Assembly, wrote 'Our fears were more than justified by the spectacle of what happened in the interior of the Colony, where administrators, reviving in certain respects feudal practices, imposed on the persons of our compatriots of the protectorate acts which were neither human nor French'.

692 641 633

5: Crowder J-5 (1955-1961) 1962
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Such was the outcry against this decree that a further decree in 1914 confirmed that 'all natives born in the four communes would be subject to French tribunals throughout the colony and in certain other places'. Indeed Lamine Guèye was one of the most ardent critics of France for her failure to accord the full rights of an assimilationist policy to the *originaires*. He protested against the way the Government opposed 'the entrance of all natives of whatever status they may be, into the general administrative services, even into military units stationed in the colony'. It was only by insistence on the right to do military service on equal terms with the French that the *originaires* were finally able to gain confirmation of their rights as citizens. In 1914 Blaise Diagne became the first Senegalese to sit in the Chamber of Deputies. He won his seat partly as a result of the split vote amongst his six European opponents, partly because he appealed to the Senegalese voters by his demands for complete equality between black and white. His particular platform was a pledge to vote for a law for obligatory military service without distinction of race or colour. In a letter to the Minister of Colonies he said the *originaires* did not want the privileges without the obligations of French citizenship. At the time, of course, France was just about to enter into the Great War and badly needed troops from Africa. Thus without much difficulty a law was passed providing for the conscription of the *originaires* as French troops. In return for Diagne's co-operation in recruiting troops for the war effort, the Government passed the Citizenship Law of 1916 which once and for all confirmed the status of the *originaires*. They could retain their *statut personnel* and need not understand French to be considered as citizens. 'The natives of the *communes de pleine exercice* and their descendants are and remain French citizens subject to the military obligations of the Law of 19 October 1915.' The rider about the status of 'descendants' was of particular importance to Lamine Guèye who was born in Soudan of *originaire* parents.

22:Winterbotham et al. K-4 (no date) 1944 MS37 Senegal MS 37

Courts of Law

692 The Court of Assize sits at Dakar, and the Tribunals of First Instance sit at Dakar, Kaolack, and St. Louis. There is a Magistrate's Court at Ziguinchor, and there are Moslem Courts at Dakar, Rufisque, and St. Louis. In each province and full commune there are the usual native courts, and the Colonial Court of Appeal for Senegal sits at St. Louis. There is a separate one for the District of Dakar.

In addition to the local courts, the West African Court of Appeal and the Supreme Native Court of Appeal are both held at Dakar.

Native Organization

631 177 All the old chiefdoms and kingdoms have now disappeared. On the other hand, owing to their representation on the Colonial Council, chiefs in Senegal to-day exercise greater influence than in other colonies. They are appointed and paid by the Government, and they can usually be relied on to supply an official majority. In 1925 they induced the Government to raise their salaries, which now range from 7,600 francs to 36,500 francs per annum. The chiefs are divided into no less than twelve grades. Most of them have [871] been educated at the École des Fils des Chefs et des Interprètes at St. Louis.

Land Tenure

423 By 31 December 1937 provisional concessions had been granted over an area of 12 square miles and concessions over 15 square miles. By the same date there had been granted under the immatriculation system 9,630 certificates of title, covering 177 square miles. Under the process of Confirmation of Native Land Rights, 40 certificates had been granted, covering 3¼ square miles. These figures are very small for the size and population of the colony.

Labour

466 [646] The Colonial Council is responsible for the fact that forced labour has been redeemable by every person since 1921. This reform did not become universal in the Federation till several years later. In 1930 a resolution of the same council compelled owners of motor vehicles to lend them for work under the same system.

In 1935 there were 408,000 persons on the forced labour rolls, 1,415,000 man-days were worked, and 561,300 francs were paid in